

**United States District Court**  
**EASTERN DISTRICT OF TEXAS**  
**SHERMAN DIVISION**

UNITED STATES OF AMERICA §  
§  
vs. § Case No. 4:13cr227  
§ Judge Mazzant  
MICHAEL THOMAS §

**ORDER**

The matter before this Court is Defendant's pro se (Motion for) Waiver of Personal Appearance at Arraignment and Entry of Not Guilty (Dkt. #13). On August 5, 2015, the Government filed a response (Dkt. #14).

On September 11, 2013, Defendant was indicted. An arrest warrant was issued. That same day, agents discovered a "For Sale" sign outside of Defendant's last known address and the real estate agent for the sale of the house confirmed that Defendant's father-in-law was selling the home on his behalf and that Defendant was no longer in the area. Shortly thereafter, agents confirmed with Defendant's family members that Defendant had left the country with his wife and daughter in mid-August 2013 and was not planning to return.

On July 25, 2014, the government received an email from an attorney in Brazil claiming to represent Defendant who stated that his client would be willing to resolve the charges if the government would provide a guarantee that he not be incarcerated. On September 13, 2014, an email was received from Defendant threatening to commit suicide.

Defendant, pro se, filed a request to waive personal appearance at arraignment and enter a plea of not guilty. This request is denied. Defendant must first appear for an initial appearance which has not occurred. Defendant is aware of his indictment and should make arrangements to appear for an initial appearance. After Defendant appears for his initial appearance, the Court will

address his arraignment. Until then, Defendant will be subject to arrest upon reentering the United States.

It is therefore ORDERED that Defendant's pro se (Motion for) Waiver of Personal Appearance at Arraignment and Entry of Not Guilty (Dkt. #13) is hereby DENIED.

It is further ORDERED that Defendant's pro se Request for Disclosure of Grand Jury Materials (Dkt. #12) is DENIED as premature. After Defendant appears, he can renew this request.

It is further ORDERED that Defendant's pro se Motion for Appointment of Counsel (Dkt. #11) is hereby DENIED as premature. At his initial appearance, the Court will address the request for counsel.

**SIGNED this 12th day of August, 2015.**



AMOS L. MAZZANT  
UNITED STATES DISTRICT JUDGE